



Pima County Attorney's Office

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Barbara LaWall

Pima County Attorney

August 8, 2016

Arizona Prosecuting Attorneys' Advisory Council
Ms. Elizabeth Ortiz, Executive Director
1951 W. Camelback Rd., Suite 202
Phoenix, AZ 85015

Re: Deferred Prosecution Annual Report

Dear Ms. Ortiz;

Pursuant to A.R.S. 11-362, The Pima County Attorney's Office is responsible for providing an annual report to the Arizona Prosecuting Attorneys' Advisory Council (APAAC). APAAC will compile this information into a comprehensive report and submit it to the President of the Senate, the Speaker of the House, and the Joint Legislative Budget Committee. Enclosed is the Pima County Attorney's 2015-2016 Annual Report on the Deferred Prosecution/Adult Diversion Program.

The Pima County Deferred Prosecution program is called the Adult Diversion program. The program is comprised of seven separate diversion entities: the Felony Diversion Program, the Domestic Violence Diversion Program, the Re-offender Diversion Program, the Misdemeanor Diversion Program, the Substance Abuse Diversion Program, the University of Arizona Student Diversion Program, and the Tobacco Retailer Diversion Program. The annual report provides a summary of the programs, the number of persons participating in the programs, and the success rates. If you have any questions concerning this report, please feel free to contact me.

Sincerely,

Linda McCollum
Pima County Attorney's Office
Adult Diversion Program Director

Enclosures

Cc: The Honorable Barbara LaWall, Pima County Attorney
Amelia Cramer, Chief Deputy Pima County Attorney



**PIMA COUNTY ATTORNEY'S OFFICE
DEFERRED PROSECUTION
ANNUAL REPORT FISCAL YEAR 2015/2016**

ADULT DIVERSION PROGRAM ORGANIZATION

The program is comprised of seven separate diversion entities:

- Felony Diversion Program (FDP)
- Domestic Violence Diversion Program (DVDP)
- Re-offender Diversion Program (RDP)
- Misdemeanor Diversion Program (MDP)
- Substance Abuse Diversion Program (SADP)
- University of Arizona Student Diversion Program (UASDP)
- Tobacco Retailer Diversion Program (TRDP)

Felony Diversion Program (FDP)

This program is designed to handle first-time diversion eligible defendants arrested for a felony offense. The defendant is interviewed and supervised by an Adult Diversion Specialist (Specialist). The Specialist conducts an initial interview to determine the types of intervention strategies to be completed. The defendant may be supervised by the Specialist for a maximum of twenty (20) months. The supervision method and the contact frequency of the defendant are at the discretion of the Specialist. The Specialist will direct the defendant to attend counseling programs, pay diversion fees and restitution if applicable. The defendant will complete

volunteer community service hours at the discretion of the Specialist. Periodic and random drug testing may be required of the defendant. If the defendant completes all of the diversion terms the prosecutor will file dismissal paperwork, and the case will be successfully closed. At any point, the diversion case can be terminated for failure to comply and a criminal prosecution initiated.

Domestic Violence Diversion Program (DVDP)

This program is designed to handle first-time diversion eligible defendants arrested for a domestic violence misdemeanor offense. The defendant is interviewed and supervised by a Specialist. The Specialist conducts an initial interview to determine the types of intervention strategies to be completed. The defendant may be supervised by the Specialist from six (6) to twelve (12) months. The defendant will attend programs such as domestic violence counseling and parenting classes as well as pay diversion fees and restitution if applicable. The defendant will complete volunteer community service hours at the discretion of the Specialist. Periodic and random drug testing may be required of the defendant. The supervision method and the contact frequency of the defendant are at the discretion of the Specialist. If the defendant completes all of the diversion terms the prosecutor will file dismissal paperwork, and the case will be successfully closed. At any point, the diversion case can be terminated for failure to comply and a criminal prosecution initiated.

Re-offender Diversion Program (RDP)

This program is designed to handle diversion eligible defendants arrested for a second misdemeanor offense. The defendant is interviewed and supervised by a Specialist. The Specialist conducts an initial interview to determine the types of intervention strategies to be completed. The defendant may be supervised by the Specialist from three (3) to six (6) months. The supervision method and the contact frequency of the defendant are at the discretion of the Specialist. The Specialist will direct the defendant to attend counseling programs, pay diversion fees and restitution if applicable. The defendant will complete volunteer community service hours at the discretion of the Specialist. Periodic and random drug testing may be required of the defendant. If the defendant completes all of the diversion terms the prosecutor will file dismissal paperwork, and the case will be successfully closed. At any point, the diversion case can be terminated for failure to comply and a criminal prosecution will be initiated.

Misdemeanor Diversion Program (MDP)

This program is designed to handle first-time diversion eligible defendants cited for a misdemeanor offense. These defendants are monitored by a Specialist. The defendant will appear at the diversion office to complete paperwork, will be given the fee amounts, program(s) to attend, restitution amount if applicable, and may be given volunteer community service hours to complete. If the defendant completes all of the diversion terms the prosecutor will file dismissal paperwork, and the case will be successfully closed. The diversion case will be terminated if there is a failure to comply, and a criminal prosecution will be initiated.

Substance Abuse Diversion Program (SADP)

This program is designed to handle first-time diversion eligible defendants cited for a substance offense, such as unlawful possession of marijuana, drug paraphernalia or alcohol. These defendants are monitored by a Specialist. The defendant will appear at the diversion office to complete paperwork, will be given the fee amounts, program(s) to attend, and may be given volunteer community service hours to complete. If the defendant completes all of the diversion terms the prosecutor will file dismissal paperwork, and the case will be successfully closed. The diversion case will be terminated if there is a failure to comply, and a criminal prosecution will be initiated.

University of Arizona Student Diversion Program (UASDP)

This program works closely with the University of Arizona Dean of Students Office. It is designed to handle University of Arizona students who are first-time offenders and are cited by the university police department for certain misdemeanor offenses. These defendants are monitored by a Specialist. The defendant will appear at the diversion office to complete paperwork, will be given the fee amounts and is referred to the Dean of Students Office. The Dean of Students Office determines the appropriate intervention strategies and monitors the student's progress. The Dean of Students Office notifies the Diversion Program of the successful completion or non-compliance with the diversion obligations. If the defendant completes all of the diversion terms the prosecutor will file dismissal paperwork, and the case will be successfully closed. The diversion case will be terminated if there is a failure to comply, and a criminal prosecution will be initiated.

Tobacco Retailer Diversion Program (TRDP)

This program works closely with the Pima County Health Department's Tobacco and Chronic Disease Prevention program. It is designed to handle individuals and businesses that are first-time offenders and are cited for selling tobacco to minors. These defendants are monitored by a Specialist. The defendant will appear at the diversion office to complete paperwork, will be given the fee amounts and is instructed to attend an Arizona Retailer Tobacco Training. If the defendant completes all of the diversion terms the prosecutor will file dismissal paperwork, and the case will be successfully closed. The diversion case will be terminated if there is a failure to comply, and the case will be referred for criminal prosecution.

PROGRAM SUPERVISION

Currently, two (2) Specialists supervise the Felony Diversion Program cases, Domestic Violence Diversion Program cases, the Re-offender Diversion Program cases and they monitor the Misdemeanor Diversion Program cases, Substance Abuse Diversion Program cases, University of Arizona Student Diversion Program cases, and the Tobacco Retailer Diversion Program cases. Two (2) to three (3) legal processing support staff members assist the two Specialists. An additional part-time employee provides instructions to the defendants during their first appearance in the diversion office and reviews their paperwork. A director oversees the everyday operations of the specialists, legal processing support staff members, and the diversion program.

FY 2015/2016 Adult Diversion Program Statistics

Year totals all programs combined:

Total number of cases processed:	1,165
Total number of new referrals:	870
Total number of successful terminations:	780
Total number of unsuccessful terminations:	125
Total number of cases closed:	905
Total number of pending cases:	239
Success Rate:	86%

Year totals for each program:

	Total Closed	Successful	Unsuccessful	Success Rate
Felony Diversion Program:	5	4	1	80%
Domestic Violence Diversion Program:	135	100	35	74%
Re-offender Diversion Program	147	101	46	69%
Misdemeanor Diversion Program:	143	129	14	90%
Substance Abuse Diversion Program:	370	344	26	93%
University of Arizona Student Diversion Program:	97	94	3	97%
Tobacco Retailer Diversion Program:	8	8	0	100%